

2 NINETY-SEVENTH LEGISLATURE
3 FIRST SESSION
4 LEGISLATIVE RESOLUTION 197

5 Introduced by Brashear, 4

6 PURPOSE: Nebraska, like all jurisdictions, has rules in our civil
7 procedure statutes for the filings of pleading in civil lawsuits.
8 Pleadings are the formal allegations by the parties to a lawsuit of
9 their respective claims and defenses, with the intended purpose
10 being to provide notice of what is to be expected and proved at
11 trial. In 1867, Nebraska adopted a system of code pleading, based
12 on the Field Code of Civil Procedure. In recent decades Nebraska
13 has adopted a series of changes to its civil procedure statutes
14 that have amended Nebraska's code pleading system to be more like a
15 notice pleading system, similar in approach to the Federal Rules of
16 Pleading. As such, Nebraska presently uses a hybridization of code
17 and notice pleading.

18 The Nebraska Supreme Court's Committee on Practice and
19 Procedure has considered many of the issues that would need to be
20 addressed if notice pleading were adopted in Nebraska and has
21 prepared a draft addressing a number of those issues.

22 The purpose of this interim study is to incorporate the
23 work completed by the Committee on Practice and Procedure and to
24 consider further revision of Nebraska's statutes regarding a
25 standard of notice pleading. Additionally, if such changes are to
26 be undertaken, this study shall determine the appropriate

1 legislature means that should be employed to effect changes to
2 Nebraska's statutes.

3 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
4 NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

5 1. That the Judiciary Committee of the Legislature shall
6 be designated to conduct an interim study to carry out the purposes
7 of this resolution.

8 2. That the committee shall upon the conclusion of its
9 study make a report of its findings, together with its
10 recommendations, to the Legislative Council or Legislature.